

Jul 09, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IAN S. STRONG,

Plaintiff,

v.

CITY OF SPOKANE,

Defendant.

NO: 2:21-CV-00085-RMP

ORDER DISMISSING COMPLAINT

By Order filed April 28, 2021, the Court advised Plaintiff, a pretrial detainee at the Spokane County Detention Services, of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 8. Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendant has not been served.

The Court cautioned Plaintiff that if he failed to comply with the directives in the Order, the Court would dismiss his complaint seeking injunctive relief for an alleged Sixth Amendment right to effective assistance of counsel violation. As of the date of this Order, Plaintiff has not filed any response.

ORDER DISMISSING COMPLAINT -- 1

1 Specifically, Plaintiff failed to allege that the City of Spokane engaged in a
2 pattern or practice that resulted in the deprivation of his constitutional rights.
3 *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 690 (1978).
4 Furthermore, the *Younger* abstention doctrine forbids federal courts from enjoining
5 pending state criminal proceedings, absent extraordinary circumstances not
6 presented here. *See Younger v. Harris*, 401 U.S. 37, 45–46 (1971); *see also*
7 *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 431
8 (1982).

9 Plaintiff did not comply with the Court's Order and has filed nothing further
10 in this action. Therefore, for the reasons set forth above and in the Court's prior
11 Order, ECF No 8, **IT IS ORDERED:**

12 **1.** The complaint, **ECF No. 1**, is **DISMISSED** for failure to state a claim
13 upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and
14 1915A(b)(1), but **without prejudice** to Plaintiff pursuing appropriate
15 state appellate and federal habeas relief.

16 **2.** Based on this Court's reading of *Washington v. Los Angeles Cty.*
17 *Sheriff's Dep't*, 833 F.3d 1048 (9th Cir. 2016), this dismissal will **NOT**
18 count as a "strike" pursuant to 28 U.S.C. § 1915(g).

19 **3.** This case is **DISMISSED** and **CLOSED**.

20 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter
21 this Order, enter judgment, provide copies to Plaintiff and **CLOSE** the file. The

1 Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order
2 would not be taken in good faith and would lack any arguable basis in law or fact.

3 **DATED** July 9, 2021.

4
5 *s/ Rosanna Malouf Peterson*
6 ROSANNA MALOUF PETERSON
7 United States District Judge
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